



COUNCIL MINUTES

December 17, 2009

The City Council of the City of Mesa met in a Special Council Meeting in the lower level meeting room of the Council Chambers, 57 East 1st Street, on December 17, 2009 at 7:32 a.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

1. Convene an Executive Session.

It was moved by Vice Mayor Jones, seconded by Councilmember Somers, that the Council adjourn the Special Council Meeting at 7:33 a.m. and enter into an Executive Session.

Carried unanimously.

2. Executive Session.

- a. Discussion or consultation with the City Attorney in order to consider the City's position and instruct the City Attorney regarding the City's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. § 38-431.03A(4))

1. Chicago Cubs Spring Training

Without objection, the Executive Session adjourned and the Council reconvened the Special Council Meeting at 7:47 a.m.

3. Take action on the following resolutions:

- a. Approving and authorizing the City Manager to enter into construction contracts not to exceed a total value of \$750,000 with McCarthy Building Companies to construct and improve the Fitch Park Batting Cages. (City Project No. 09-912-003) This project will install two new semi-enclosed metal structures (approximately 5,000 square feet each)

that will house four (4) batting cages at Fitch Park, the spring training facility for the Chicago Cubs – Resolution No. 9615.

City Engineer Beth Huning reported that on December 14, 2009, staff received five proposals relative to the above-referenced project. She explained that McCarthy Building Companies was selected with a low bid of \$684,021, including a 10% allowance for change orders.

In response to a series of questions from Mayor Smith, Ms. Huning clarified that the winning bid would expire after 60 days. She also confirmed that the Council could approve the contract today, but begin construction of the batting cages at any time within the 60 days for the same cost.

Mayor Smith stated that he was glad the Council delayed action on this item because the City now had a firm contract with a bid well below \$750,000. He commented that he began to feel uncomfortable moving forward with the project due to the fact that when the media first reported the matter, “the silence that came out of Chicago and the Cubs was deafening.” Mayor Smith added that with such uncertainty and the fact that City Manager Christopher Brady is traveling to Chicago today to meet with Cubs officials, in his opinion, it would be premature to move forward with the project at this time.

It was moved by Mayor Smith, seconded by Councilmember Richins, that the contract and Resolution be approved, and that construction of the batting cages be placed on hold until such time as the Council receives a status report from Mr. Brady concerning his negotiations with Cubs officials.

Mayor Smith declared the motion carried unanimously and Resolution No. 9615 adopted.

In response to a question from Mayor Smith, Ms. Huning advised that by delaying construction, and in particular, not preordering the metal roof for the batting cages in the next few days, the project would not be completed before the start of spring training.

Mayor Smith stated that if Mr. Brady’s negotiations with the Cubs organization are positive, the Council could subsequently direct staff to begin construction of the project.

Discussion ensued relative to the fact that if the City ultimately moves forward with the project, the site could be fenced off and possibly completed before the conclusion of spring training.

Mayor Smith commented that he hoped the Council’s action would not be misconstrued for anything other than what it is. He noted that the City continues to make capital improvements at Fitch Park and stated that the upgrades to the batting cages have been planned for several years. Mayor Smith added that due to the lack of a firm commitment from the Cubs, it behooves the City to be cautious at this time.

- b. Reaffirming support for regional emergency medical transportation services – Resolution No. 9616.

City Manager Christopher Brady reported that Mesa, Gilbert, Queen Creek and Apache Junction have completed negotiations with Southwest Ambulance to provide regional emergency medical transportation services. He explained that the regional partners are seeking approval of the agreement by the Arizona Department of Health Services (DHS) and also the

commitment of their respective Councils in this regard. Mr. Brady further noted that questions have been raised by outside interests concerning the importance of this regional concept and whether it is in the best interest of Mesa residents. He asked that the Council favorably consider this Resolution to reaffirm its support for regional emergency medical transportation services.

Councilmember Kavanaugh complimented Mr. Brady and staff for their efforts and hard work in this regard. He stated that the tentative agreement represents a positive step forward for all of the communities involved.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Somers, that Resolution No. 9616 be adopted.

Councilmember Somers expressed support for regional emergency medical transportation services. He also said that the agreement would improve such services throughout the City and especially in his district. Councilmember Somers added that bringing ambulance service to the far east side of his district, Queen Creek and Apache Junction would improve response times and save lives.

Mayor Smith remarked that there have been individuals who have tried to cast these agreements as "a money grab" by the regional partners, which is untrue. He explained that cities/towns negotiate agreements with the ambulance providers that offer the best service and said that the rates are set by the State. Mayor Smith added that the only beneficiaries of this agreement are the citizens of those communities in which the services would be provided.

Mayor Smith called for the vote.

Carried unanimously.

4. Items from citizens present.

There were no items from citizens present.

5. Adjournment.

Without objection, the Special Council Meeting adjourned at 8:00 a.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Council Meeting of the City Council of Mesa, Arizona held on the 17th day of December 2009. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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